[Mr. A. Thanu Pillai.]

a period of three years previous to the time of assessment. But ten years as proposed by Mr. Varughese is too long a period. I suggest three years previous to the date of assessment.

**MR. K. R. ELENKATH** (*Kalkulam I*): I second the amendment.

**MR. K. M. KURIAKOSE** (*Muvattupuzha II*): Sir, can I speak on the new amendment?

**DEPUTY PRESIDENT**: Yes.

**MR. K. M. KURIAKOSE** (*Muvattupuzha II*): I oppose the amendment on the ground that the period of three years is very limited. The example of rubber which I cited applies here also. Rubber had no value for more than ten or twelve years. Under such circumstances, the period should be ten years, if not more. If you take the average of ten years, I do not think there is any apprehension of the price being too high or too low. The greater the period for which the average is taken, I think it will be all the more safe. On that ground I oppose the amendment.

**MR. R. RAMAN PILLAI** (*Changanachery* cum *Peermade II*): Sir, I oppose both the amendments. Sir, there is a ruling that in assessing value of improvements the market rate obtaining on the date of assessment should be followed. By the word "assessment" I take it that Their Honours meant determination.

## ADJOURNMENT MOTION.

**DEPUTY PRESIDENT**: We shall now proceed to the motion for adjournment by Mr. Pacode Narayana Pillai.

**MR. S. J. NAIR** (*Nedumangad*): Sir, before the mover is permitted to make his motion, I rise to a point of order. The motion is intended to discuss a definite matter of urgent public importance, *viz.*, the terrible and tragic bus accident that occurred near Kuzhithurai bridge very recently *i. e.*, on Friday the 7th Meenom 1111, involving heavy loss of life, limbs and property. Sir, for the terrible and tragic bus accident that occurred on the 7th Meenom 1111, the Vilavankod Police have registered a crime as Crime No. 47 of 1111 under Sections 304, 337 and 277, Travancore Penal Code, and have charge-sheeted the case before the Vilavankod Second Class Magistrate's Court.

Sir, Rule 21 of the Travancore Legislative Rules lays down the restrictions on the right to move for adjournment. Sub-clause (5) of that Section says—

> "The motion must not deal with a matter on which a resolution could not be moved".

This section may be read along with Rule 56 at page 43 of the Manual which lays down restrictions on the subject for discussion. Rule 56 (1) (*c*) says that "no such discussion shall be permitted in regard to any matter under adjudication by a court of law having jurisdiction in Travancore". Therefore under Rule 56 (i) (*c*), no matter under adjudication by a court of law having jurisdiction in Travancore can be permitted to be discussed here. This Rule read along with Rule 21 (5)

LIBRARY ARCHIVES Kerala Legislative Assembly

would mean that the subject matter of the present adjournment motion which is under adjudication by the Vilavankod Second Class Magistrate's Court cannot be discussed here.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : May I know what the matter under adjudication by the court of law is ?

**MR. S. J. NAIR** (*Nedumangad*) : The matter under adjudication by the court of law is about the terrible and tragic bus accident that has occurred in Kuzhithura.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : May I know what exactly is the matter that is being adjudicated ? Is it the wheel of the bus ?

**MR. S. J. NAIR** (*Nedumangad*) : A case has been filed by the Police in the Vilavankod Magistrate's Court as case No. 47 of 1111.

**MR. M. SIVATANU PILLAI** (*Tovala*) : May I know from the member the source of his information ? Did the Police give him the information ?

**MR. S. J. NAIR** (*Nedumangad*) : This is a thing that is widely known throughout Travancore.

**MR. M. SIVATANU PILLAI** (*Tovala*) : Is it of any value in a court of law ?

**DEPUTY PRESIDENT** : Mr. Sivatanu Pillai put a question and Mr. S. J. Nair has given an answer. What the answer is worth is a different matter.

**MR. S. J. NAIR** (*Nedumangad*) : It is a very well-known incident or accident and responsible members of the public have understood by this time that a case has been charge-sheeted and is pending before the Second Class Magistrate's Court, Vilavankod.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*) : Sir, before Mr. S. J. Nair's point of order is decided, I wish to point out that the point of order raised would involve a debate on the President's ruling admitting the adjournment motion. The President has exercised his discret on in admitting this motion and any debate on the ruling already given by the President would be out of order.

**DEPUTY PRESIDENT** : Mr. S. J. Nair has raised a point which would have been of very great importance under altered circumstances. The President has allowed the discussion of the motion for adjournment of the business of the House. Mr. S. J. Nair has made a rather lengthy statement of his objection. He does not represent any department of Government, the Police or the Judiciary. I advert to it particularly because of the question put by Mr. Sivatanu Pillai. Mr. S. J Nair has stated that the fact of some cases having been registered is well-known to the whole world. The words " well-known to the whole world" have no value in a court of justice or in an Assembly. There must be more specific responsible information. The



LIBRARY ARCHIVES Kerala Legislative Assembly

[Deputy President]

Law Member is silent. The Chief Secretary is silent. The member in charge of the Police Department is also silent. And because Mr. S. J. Nair has not been able to answer the question put by Mr. Sivatanu Pillai, I have to take it, and the House will have to take it that he wants more substantial information than Mr. Nair's statement which ordinarily would have greater weight but in this case does not carry much weight because he simply says it is known to the whole world. The law requires and convention requires very much more specification. Further, the matter now under discussion is, the terrible and tragic bus accident that occurred near the Kuzhithurai bridge very recently. No particular person's liability is mentioned there. A case, even if it has been registered by the Police, will be dealing with the liability of particular individuals and not with the terrible and tragic nature of the bus accident. For these reasons, I rule out Mr. S. J. Nair's objection and call upon Mr. A. Narayana Pillai to make his motion.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Sir, I beg to move that this House do now adjourn to discuss a definite matter of urgent public importance, *viz.*, the terrible and tragic bus accident that occurred near Kuzhithurai bridge very recently, that is, on Friday the 7th Meenom 1111, involving heavy loss of life, limbs and property.

Sir, it is not in a spirit of carping criticism that I wanted to table this motion. It is with a view to raise a debate on the floor of this House, to bring home to Government and the authorities concerned the extreme importance of taking all those measures that are necessary for the preservation of human life. That is my object. I am not going to indulge in any personal attack or criticise this officer or that officer.

**DEPUTY PRESIDENT**: That would not be allowed. (*Laughter*).

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Sir, motor accidents and bus accidents have of late become very common. Honourable members of this House will remember that during the last few months we have heard of several terrible and tragic accidents in different parts of the State.

**MR. N. E. VARUGHESE** (*Tiruvalla 1*): Is it confined to Travancore or to the world?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): My jurisdiction is confined to Travancore. It does not go beyond the four walls of our State.

Sir, honourable members of this House will remember the terrible accident that took place a few months ago at a place near Ettumanur in which I understand two Catholic Fathers met with instantaneous death.

**DEPUTY PRESIDENT**: We are concerned only with the Kuzhithurai accident. You confine your remarks to that.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): I am just stating it as an illustration. Just a few weeks ago another accident occurred at Kothamangalam with loss of life, and this accident which took place at Kuzhithurai exactly a month ago, *i. e.*, on the 7th Meenom last, is one of the major bus accidents that have taken place in our State since the advent of motor buses. I remember some years ago a terrible

LIBRARY ARCHIVES Kerala Legislative Assembly

accident took place on the M. S. Road near Neyyattinkara. In connection with that, I understand that six or seven persons died on the spot and many more sustained serious injuries.

**DEPUTY PRESIDENT** : All those accidents have as much relationship to this incident as the Titanic disaster.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : Sir, at about 10·0' clock on 7th Meenom last, the place which is about 200 yards from the Kuzhithurai bridge on the M. S. Road presented a very gruesome appearance.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*) : May I know the number of persons who died on account of the accident at Kuzhithurai ?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : In this accident, Sir, one person died on the spot and I believe and I know as a matter of fact that more than twenty passengers sustained injuries of various forms and shapes.

**MR. S. J. NAIR** (*Nedumangad*) : May I know whether the honourable member went to the spot immediately after the occurrence and rendered relief to the injured persons ?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : I rushed to the spot at the earliest possible opportunity and I saw almost all the injured persons lying in the Hospital at about 11 P. M.

**DEPUTY PRESIDENT** : The honourable member was quite as alert as Mr. S. J. Nair.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : Of course, more than that.

Well, Sir, as I observed, the object of tabling this motion is to ventilate the feelings of the general public with regard to such bus accidents which are very frequent now-a-days and to raise a debate in this House and thereby to bring to the attention of the Government and to the other agencies concerned the extreme importance of remedial measures which have to be taken to prevent such occurrences in future. This particular accident, which took place at Kuzhithurai, brings out in bold relief all the ugly features of our traffic regulation system.

**MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) : May I know the extent of the loss of limbs ? The resolution refers to that.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : I shall give the member just one instance so that he may get an idea. One person lost his right arm. He was immediately taken to the Neyyor Hospital where that right arm had to be amputated. Several of the passengers sustained simple as well as compound fractures. Some persons lost their teeth. Some others had serious injuries on their chest.

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*) : May I request the Chair to request the member to stop his enumeration of the names of limbs lost at a particular stage ?

**DEPUTY PRESIDENT** : That request is not in order. Mr. E. V. Krishna Pillai may, if he likes, put a question to Mr. Narayana Pillai.

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*) : Mr. Narayana Pillai said that he was going to narrate the names of the limbs injured. That was why—

LIBRARY ARCHIVES Kerala Legislative Assembly

**DEPUTY PRESIDENT**: If proper discussion of the subject requires the naming of all the limbs of the human body, the member has a right to do so. There is no reason why we should be squeamish about it, if it is relevant. Mr. Narayana Pillai is at perfect liberty to introduce every relevant matter.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha I*): May I know whether fracture is the same as the loss of a limb?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): I do not think I need answer that question.

**DEPUTY PRESIDENT**: You have already stated that there was an injury which necessitated amputation. That is enough. You may proceed.

**MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): The resolution also speaks of loss of property. May I have an idea of the extent of loss of property?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Some of the passengers lost their money purses and bags (*Laughter*) in the general confusion.

**DEPUTY PRESIDENT**: I am very sorry to find that the discussion is going to channels not very creditable to the House. No doubt, elucidation of facts is necessary; but the light manner in which some questions — I am not going to say which particular member is doing, it are being put will make the discussion rather unprofitable. Mr. Narayana Pillai may be permitted to explain his position fully; and if there is any doubt, later on, he may be asked to explain further. I hope this advice will be useful.

**MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): I wish to know the extent of the loss of property?

**DEPUTY PRESIDENT**: He said, some purses were lost.

**MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): But what was the amount involved?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): I am not in a position to give the exact amount lost.

**MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will it be at least ten rupees?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Much more than that.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): May I ask whether, after all, loss of property is a material point in this discussion?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): It is not so material as the other losses.

**DEPUTY PRESIDENT**: I am very sorry I am again obliged to interrupt the discussion. Mr. T. P. Velayudhan Pillai may think that loss of property is a material point; Mr. Thanu Pillai may think that it is not a material point. There is no reason why Mr. Velayudhan Pillai should not be permitted to ask and Mr. Pacode Narayana Pillai to answer, that question.

**MR. A. THANU PILLAI** (*Trivandrum-Rural*): What I wanted to know was whether the mover rests his case on the loss of property involved, and he has stated he does not.

LIBRARY ARCHIVES Kerala Legislative Assembly

**DEPUTY PRESIDENT :** The House will have to wait and see.

**MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) : On a point of personal explanation, Sir,—

**DEPUTY PRESIDENT :** Your question has been allowed. Therefore no explanation is necessary.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : I was submitting, Sir, that all the ugly features of our system of traffic control were brought out in bold relief in this accident. Firstly, the bus was very much over-loaded. It was licensed to carry 23 ; but even on a modest computation, actually, there were 30 at the time of the accident.

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*) : May I know the source of that information ?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : The figure has been arrived at by counting the number of broken heads in the hospital.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : Is it the member's point that the persons in charge of motor traffic have committed an offence by the bus being over-loaded ?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : That is a matter for the court to decide.

**DEPUTY PRESIDENT :** You do not express any opinion on that ?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : Certainly not, Sir.

Then, Sir, the next point I want to refer to is the furious speed of the bus immediately before the unhappy accident.

**DEPUTY PRESIDENT :** Mr. Narayana Pillai, I feel I am in a position of very great difficulty in regulating this discussion. No doubt, Mr. S. J. Nair's statement with regard to a case having been taken up is not enough. All the same, this House owes a duty to itself and to the cause of justice as administered in our Courts. I would therefore make this observation that, while everything necessary may be adverted to in a general manner, and emphasised in such language as the members may choose, to take up the responsibility of saying that a particular individual was guilty of over-loading or that another individual was guilty of rash driving, is a matter the significance of which I am sure Mr. Narayana Pillai will understand. I hope he will accordingly shape his argument and not prejudice the trial of any case which might have been registered.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : I quite appreciate that observation from the Chair. Whether a case has already been registered or not, it is my interest to see that the discussion here does not in any way prejudice the parties concerned.

**DEPUTY PRESIDENT :** Specific facts as to liability may be omitted.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) I shall not refer to such facts, Sir.

One common complaint that we generally hear about the Traffic Department is that they are either indifferent or callous in the discharge of their duties. There is a separate Department for motor traffic

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Pacode A. Narayana Pillai]

control. And, it is nearly a quarter of a century since the first motor vehicle was registered in Travancore. Sir, motor traffic has now assumed very large proportions, and it is still increasing in bulk day by day. It was in 1107 that a separate branch of the Police department under one D. S. P. was organised for the purpose of regulating and controlling motor traffic in the country. And now, that Department has several Inspectors for various Divisions of the country. There are also a host of Traffic Head Constables and constables. Sir, what is this big army of traffic controllers doing? Why do they allow so many accidents to take place, especially such of them as could have been easily avoided if some little care on the part of the officers concerned has been taken? For effective traffic control, we have the Motor Vehicles Regulation and a set of suitable Rules. But, unfortunately, these Rules and the law are respected, almost always, more in the breach than in the observance.

I wish to emphasise just two points with regard to the Traffic Rules. One is with respect to the issue of driving licenses, and the other is with respect to the issue of timings to the various buses.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Has the member anything to show that this accident was due to the slackness on the part of the Traffic Department?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Yes, the overloading, for instance, could have been avoided if they had done their duty properly.

**DEPUTY PRESIDENT**: What was the time of the day when the accident took place?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): About 10 A. M. The bus was the Postal Mail Support which left Trivandrum at about 8·30. A. M.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha I*): May I know from the member whether there was any obstruction on the road by way of accumulation of metal at the instance of the P. W. D. contractors?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Yes, Sir, there was some obstruction and that also has contributed to this unfortunate incident.

**DEPUTY PRESIDENT**: Now the honourable member will have to resume his seat.

**MR. S. J. NAIR** (*Nedumangad*): May I know from the member how many buses passed along that road on that day?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Many other buses passed along the M. S. road on that day, but I am not in a position to give the exact number.

**MR. S. J. NAIR** (*Nedumangad*): May I know from the member whether the heaping of the metal on that road has contributed to this incident?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): The obstruction caused by the heaping of the metal on the road is also a contributory factor.

LIBRARY ARCHIVES Kerala Legislative Assembly

**DEPUTY PRESIDENT :** From the foregoing facts what is it that you want the House to do?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : Sir, considering the seriousness and importance of the matter I beg leave to move that the business of the House be adjourned.

**MR. K. R. ELENKATH** (*Kalkulam I*) : Sir, I do not believe that Mr. Pacode Narayana Pillai has tabled this motion just to point out the exact number of limbs that were broken or the extent of property lost by the recent motor accident at Kuzhithurai. To me this motion seems to be not one to be slighted because of the mere fact that bus accidents have become regular occurrences at present. What we have to consider is whether this House can in any way help the authorities in order that such accidents may be minimised as far as possible in the future.

**DEPUTY PRESIDENT :** Are you seconding the motion?

**MR. K. R. ELENKATH** (*Kalkulam I*) : Yes, Sir, it seems to me that, with a little more vigilance, the Traffic authorities could have averted this calamity. We cannot expect policemen to stand at every turning in the road and to watch how the conductors and drivers run the buses. But it is possible to see that the rules that are in existence are very closely adhered to and that any infringement of the rules is strictly and severely punished.

**MR. N. E. VARUGHESE** (*Tiruvalla I*): May I know the real cause of the accident?

**MR. K. R. ELENKATH** (*Kalkulam I*) : If the Chair will permit me, I am prepared to disclose the reason.

**DEPUTY PRESIDENT :** You were not present at that time?

**MR. K. R. ELENKATH** (*Kalkulam I*): No, Sir; but I am in the know of things, as I had opportunities of visiting the place and seeing the persons that were involved in the accident. But if the Chair will permit me, I am prepared to disclose the reason as it appears to me.

**DEPUTY PRESIDENT :** I am not prepared to allow Mr. Elenkath to say anything of the character which, I said, need not be placed before the House. And in this case particularly, he has admitted that he was not present at the time of the accident but went there only after the incident.

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*) : I wish to know from the member whether, as far as his information goes, this accident can be atributed to any dereliction of duty on the part of the Traffic authorities?

**MR. K. R. ELENKATH** (*Kalkulam I*) : This accident could have been averted if the driver and the conductor had not infringed the rules in regard to traffic.

**MR. A. EASWARA PILLAI** (*Kalkulam II*) : May I know from the member the basis for his statement that the traffic rules were infringed?

**MR. K. R. ELENKATH** (*Kalkulam I*) : The very fact that this accident took place at the dangerous place, the bus being out of the control of the driver. The rules regarding speed and load were not observed.

LIBRARY ARCHIVES Kerala Legislative Assembly

**DEPUTY PRESIDENT**: I have once again to say that we are discharging a very very delicate duty because of the information that is now before the House that there is some case going on. Only, we have not got definite information. Would you have any objection to withdraw your statement about the liability of any person?

**MR. K. R. ELENKATH** (*Kalkulam I*): I withdraw.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): Are we to proceed on the assumption that a case is proceeding, in the absence of any information from any official member? No official member has come forward and said that a case has been filed. It is only a non-official member that has made a statement; and I do not know how far that statement is authoritative. Further, there is this fact that the matter cannot be properly discussed otherwise than by a detailed reference to the incident. What can now be discussed is only the general administration of the Traffic Department and the Public Works Department.

**DEPUTY PRESIDENT**: I quite see your point, Mr. Thanu Pillai. That is the reason why I said that we are handling a very very delicate matter. I would draw your attention to the fact that neither the Law Member nor the Chief Secretary had anything to say with regard to a case actually having been registered. But, at the same time, there is the likelihood that there may be a case; and we should anticipate things a little and make it possible for a court of justice to adjudicate upon the facts without being clogged by the responsible nature of the statements made in this House.

**MR. KAYALAM PARAMESWARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, the first information report has been filed in the court on the basis that the driver and conductor are guilty in respect of this incident. Technically there is no matter yet under adjudication, because the charge-sheet has not been filed. But substantially a case has been registered and very probably that may result in a charge-sheet. In any event it must result in some report to the Magistrate. I may also say that the idea of the police is to charge the case. One of the accused has not been found yet.

**MR. S. J. NAIR** (*Nedumangad*): May I know from the Law Member whether he is aware that the case has been taken up by the police before the Vilavankode Magistrate's Court?

**MR. M. SIVATANU PILLAI** (*Tovala*): I want to submit a point for the consideration of the Chair. A case might have been registered by the police but it is open to them either to charge-sheet or to take it away from the file.

**DEPUTY PRESIDENT**: I quite understand your point. In fact, I anticipated what Mr. Sivatanu Pillai was going to say. Rule 142 at page 43 says that no discussion shall be permitted in regard to any of the following subjects, of which (c) is any matter under adjudication by a court of law having jurisdiction in Travancore. From what the Law Member stated, it is clear that the matter is not before a court of

LIBRARY ARCHIVES Kerala Legislative Assembly

law. The first information report alone having been filed does not give jurisdiction to a court of law. Probably the police may, after further enquiry, report that there is nothing to be done in the matter. Anyhow, technically there is no case before any court; and now I am in a better position than I was some minutes ago, because of the Law Member's statement that there is only a first information report before a Magistrate. I shall therefore give greater lattitude to the members to discuss this matter. (Mr. E. V. Krishna Pillai : *Hear, hear.*)

**MR. R. SAMBASIVA AIYAR** (*Kunnatnad II*): May I know from the member what the reason was for the accident?

**MR. K. R. ELENKATH** (*Kalkulam I*) : I will show how the driver and the conductor are responsible for the accident. The bus was going at a reckless speed especially after it left the Kuzhithura checking station. The place where the accident took place is hardly two furlongs from the checking station; and if the police authorities there had really and correctly checked the passengers, they would have easily found out that the bus was heavily overloaded. Sir, from the number of patients whom I myself have visited, I can say that the bus was heavily overloaded. I know there were fifteen patients in Thuckalai Hospital, three in the Neyyoor Hospital and five in the Thoduvatti Hospital. This number does not include the pedestrains on the road who also sustained injuries. I exclude two school boys and another who escaped without any injury. Thus at least 28 passengers including the driver and the conductor must have been in the bus.

**MR. R. SAMBASIVA AIYAR** (*Kunnatnad II*) : May I know what the seating capacity of the bus is?

**MR. K. R. ELENKATH** (*Kalkulam I*) : 23. So that is a clear case of overloading.

**MR. S. J. NAIR** (*Nedumangad*) : Could not the overloading have been after the checking and before the accident?

**MR. K. R. ELENKATH** (*Kalkulam I*) : If it were so it should have been with the connivance of the police at the checking station, because we very often find that when a bus stops at a checking station some passengers are asked by the driver and conductor to walk ahead and wait just on the other side of the checking station.

**MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): May I know whether there was the conductor in the bus at the time of the accident?

**MR. K. R. ELENKATH** (*Kalkulam I*) : Yes.

**MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*) : May I know whether he was injured?

**MR. K. R. ELENKATH** (*Kalkulam I*) : No.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*) : May I know what the speed of the bus was at the time of the accident?



LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. R. ELENKATH (*Kalkulam I*): I cannot say exactly what the speed was The speed could be easily ascertained if the time of checking at the Kuzhithura station and the time of the accident are found out.

MR. M. SIVATANU PILLAI (*Tovala*): What was the necessity for such reckless speed?

MR. K. R. ELENKATH (*Kalkulam I*): I will come to that. There was necessity for going at a higher speed because of the competition among the buses. The bus that was running and with which we are concerned was the Mail bus and the one that was following was one of the Pioneer buses. When a bus owned by another company comes close to and runs just behind another, there is always the tendency on the part of the driver and conductor of the bus going in front to see that it is driven at as high a speed as possible in order that it may not be overtaken. When the bus reached near the place where the accident occurred, the conductor informed the driver that the Pioneer bus which was following was about to overtake their bus and then the driver turned round to see whether it was really so. It was just then that his bus got over the bed of metal that was placed on the road-side and tumbled down the precipice leading to a huge pit, leading to the said accident.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the member was a passenger in that bus?

MR. K. R. ELENKATH (*Kalkulam I*): No, but I know all these from the passengers in that bus, some of whom belong to my village and also from other passengers in that bus whom I visited personally.

(Mr. S. J. Nair turning to Mr. Elenkath put a question which was inaudible.)

DEPUTY PRESIDENT: Mr. S. J. Nair, you ought not to address your question to the air but you must address it to the Chair. I have not heard your question.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the cause of the death of an individual was due to the bus accident or some other accident subsequent to the incident?

MR. K. R. ELENKATH (*Kalkulam I*): It was due to the bus accident

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Are not these allegations of (1) overloading, (2) over-speeding, (3) death being caused by accident—are not these to be proved before a court of law?

DEPUTY PRESIDENT: You must not put that question to him. The member's opinion on that point may not have any weight. It is because of that that I said that honourable members who talk on this motion have very great responsibility. It is for that reason that I asked Mr. Narayana Pillai whether he was present. I think I also asked Mr. Elenkath whether he was present. Mr. Elenkath said that he was not present, but that he heard from others.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the driver was drunk?

MR. K. R. ELENKATH (*Kalkulam I*): I do not know. What I would request the authorities is that they should see that the existing rules are closely observed and more stringent rules are made with regard to the regulation of traffic.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was the accident due to the absence of rules?

MR. K. R. ELENKATH (*Kalkulam I*): That also to some extent.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I wish to make a few observations on this subject. I understand that by this motion it is intended to raise a debate on a very definite question. The speeches of the previous speakers give no definite issue on which this House is to divide but attempt to find out the real causes of the terrible bus accident such as, whether there was overloading, or whether the accident was due to the driver turning back, or whether there was racing.—

DEPUTY PRESIDENT: You are not correct in making that statement. Though the discussion is not on a definite issue, it is on a definite matter of urgent public importance.

MR. M. SIVATANU PILLAI (*Tovala*): But the House has got to vote on a definite issue.

Ever so many bus accidents have been referred to. In recent years, bus accidents have been of such a nature that all accidents that relate to public passenger vehicles have been found to be due to the dereliction—sometimes deliberate, sometimes not deliberate—of duty on the part of the authorities that controls traffic in the State. That is my view of the question. The accidents may be due to several causes. The bus may be a very very old and defective one, not fit for the road at all. Yet the authorities would allow it to run as a public passenger vehicle. I know, as a matter of fact, that there are public passenger vehicles still on the road which were purchased ten or twelve years ago. That is the nature of the test conducted every six months, for the purpose of issuing competency certificate. Secondly, the drivers are given licenses indiscriminately; sometimes for recommendations, sometimes for inducements, and sometimes for other reasons which I need not mention here.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's point that the particular bus was of this description?

MR. M. SIVATANU PILLAI (*Tovala*): If I am to answer that question, I may have to trench on grounds prohibited by the President's ruling. The point is that the responsibility for a bus accident of this nature is on the controlling authority and certainly not on the poor driver of the useless vehicle.

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My view is that the authorities are directly responsible for this accident. That is the reason. There is no use saying now that the bus went out of gear or that the driver was negligent or drunken or irresponsible or that he has no sense of duty or responsibility towards those 23 precious lives entrusted to his care in his bus.

Sir, in the words of the Chief Engineer, the heaviest traffic in South India is on this Main Southern Road in Travancore. In that place, one Company—the Pioneer Motor Service—for reasons well-known to all of us here—has been able to run its buses almost as a monopoly. This heavily congested route has become a complete monopoly for their buses. I am placing the facts as South Travancore knows them.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): If there is a monopoly, and if there is no competition, there will not be any necessity for rash driving.

MR. M. SIVATANU PILLAI (*Tovala*): There may not be but there is competition. The timings have got to be arranged with an impartial eye, so long as there is competition and keen competition. There is no principle adopted here, but everything is done to favour one Company, namely, the Pioneer Company, at the expense of others. At present, timings are given to this Company securing for it one full day and the next forenoon till 10-30 or 11 A. M. during which Pioneer Buses alone run; and the remainder of that day is given to others.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Will the member be satisfied with the result of the inquiry?

MR. M. SIVATANU PILLAI (*Tovala*): I know what the result of the inquiry will be. I ask, Sir, what is the principle in this, securing a monopoly of this line for a day and half for Pioneer and the remaining portion of the day for the rest of the world.

I submit that the accident is directly traceable to this kind of timing sheets. One company bus alone has to go along that road. Necessarily, this bus which unfortunately met with the accident and is not of the Pioneer, has got to race and has got to be raced with, for picking passengers. As Mr. Elenkath put it, it is due to racing and this racing is traceable to the authorities as they give timings favouring one company to the exclusion of others.

MR. E. V KRISHNA PILLAI (*Pattanamtitta*): What is the interval prescribed by the authorities between one bus and another?

MR. M SIVATANU PILLAI (*Tovala*): Five minutes, I suppose.

MR. R. ACHUTHAN PILLAI (*Ag. Traffic Superintendent*): The interval is fifteen minutes.

MR. M. SIVATHANU PILLAI (*Tovala*): The member's answer reminds me of the absence of the Acting Police Commissioner who is responsible for this state of affairs in the Traffic Department.

DEPUTY PRESIDENT: Mr. Sivatanu Pillai, I must take very strong objection to that. When an officer is appointed by Government, you must look to him for all information. Mr. Achuthan Pillai represents

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Government in the Police Department. So you are entitled to say any thing in the absence of the Police Commissioner that you may have stated in his presence.

**MR. M. SIVATANU PILLAI** (*Tovala*) : My view is that the Acting Police Commissioner, Mr. Pitchu Aiyangar, who is responsible for the timing sheets will be in a better position to answer me.

**DEPUTY PRESIDENT** : The Travancore Government functions according to certain principles. And, from the Chair, I would ask Mr. Sivatanu Pillai and other members of the House to take into consideration the fact that, even if for a single day an officer is appointed as a member of this Assembly to represent Government, he is, for all intents and purposes, a representative of Government.

**MR. M. SIVATANU PILLAI** (*Tovala*) : I do not say that the member is not competent to enlighten us ; but I doubt whether the charges against Mr. Pitchu Aiyangar will be satisfactorily explained by the member in charge at present.

**MR. P CHIDAMBARAM PILLAI** (*Commerce and Industry, South*) : Sir, is this a motion intended to censure a particular person or a branch of Government or is it only a motion for dealing with this subject ?

**DEPUTY PRESIDENT** : Mr. Chidambaram Pillai may rest satisfied that, as soon as I find the faintest idea of a censure, I will prohibit that discussion.

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*) : Is it the opinion of the member that accidents such as these are due to the way in which the Acting Commissioner of Police allots timings and routes ?

**MR. M. SIVATANU PILLAI** (*Tovala*) : Exactly so. The rules are as much stringent as possible, but the person who administers the rules is not as much stringent and sometimes abuses them. If the discussion does not concern itself with the work of the authorities in the matter of controlling traffic, it will be quite futile. If we concern ourselves with the drunkenness of the driver, or the uselessness of the vehicle, the House will be stultifying itself and wasting precious time over it.

**DEPUTY PRESIDENT** : Please proceed with your argument. You have very little time left.

**MR. M. SIVATANU PILLAI** (*Tovala*) : Sir, in this connection, I would refer to the way in which the rules are being worked. There is an order issued by the Acting Commissioner of Police, Mr. Pitchu Aiyangar, then as Traffic Superintendent, which would show, how these rules had been administered in respect of the various Companies. This order was issued by the Ag. Commissioner at a time when he was Traffic Superintendent. Now that he has become the Commissioner of Police that power has been taken away by the Police Commissioner for himself. At that time the power was in the hands of the Traffic Superintendent. This is the order, a portion of which I shall refer to, for the purpose of my argument. This would show clearly that

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Mr. Pitchu Aiyangar has two functions, one is to be the Police Commissioner and the other is to advertise Pioneer Company in more ways than one.

The text of the order is as follows :—

"Now that the Pioneer is running a bus service between Nagercoil and Tinnevelly". (The order is dated 14-10-1935).

**DEPUTY PRESIDENT**: I cannot permit Mr. Sivatanu Pillai to read the whole thing in extenso.

**MR. M. SIVATANU PILLAI** (*Tovala*): I am only referring to that and I do not want to read it in extenso.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*): On a point of order. Can a document that is not placed before the House be referred to?

**DEPUTY PRESIDENT**: That certainly is the import of what I told the member that he should not read the document in extenso. He is permitted to refer to the facts of the letter.

**MR. M. SIVATANU PILLAI** (*Tovala*): I am referring to an order issued over the signature of the District Superintendent of Police.

**DEPUTY PRESIDENT**: My ruling is quite clear and that is that Mr. Sivatanu Pillai shall not read that document in extenso, but may refer to facts as stated in the document and mention what is supported by a document.

**MR. M. SIVATANU PILLAI** (*Tovala*): Then the letter gives the following :—

"It should be remembered that the Pioneer is a very big concern having extensive business, besides having a network of well conducted service throughout South Travancore. That being the case it should be properly safeguarded not only by the Traffic Department, but also by the Criminal Branch of the Police Department."

**DEPUTY PRESIDENT**: Mr. E. V. Krishna Pillai can speak on the motion as I found Mr. Krishna Pillai up many times.

**MR. M. SIVATANU PILLAI** (*Tovala*): Sir, I may be permitted to finish my sentence.

**DEPUTY PRESIDENT**: I am sorry I have already called upon the next member to speak.

**MR. M. SIVATANU PILLI** (*Tovala*): I got up before the President had called upon another member to speak. I am in the middle of a sentence and I may be permitted to finish it.

**DEPUTY PRESIDENT**: As a special case, I allow the member to finish the sentence.

**MR. M. SIVATANU PILLAI** (*Tovala*): As I said, the instructions to the Police were to zealously safeguard the interests of the Pioneer Motor Company alone as against the others who were long on the Tinnevelly line doing bus service.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): Am I to understand from the member whether it is his contention that the officer who wrote that letter was unduly favouring a particular individual?

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**MR. M. SIVATANU PILLAI** (*Tovala*) : Certainly so and something more. I am highly thankful to the member. The then District Superintendent of Police, Mr. Pitchu Aiyangar, was supporting Pioneer Company abusing his powers as a Superintendent and there is no check on him as yet.

**MR. A. THANU PILLAI** (*Trivandrum-Rural*) : May I know from the member whether, on that ground, the control of traffic suffers ?

**MR. M. SIVATANU PILLAI** (*Tovala*): By that not only the traffic suffers, but there is a sickening feeling among the public that the whole Traffic Branch of the Police Department is corrupt on that score and continues in corrupt ways unchecked as yet.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*) : Sir, I was straining very much to find out the meaning and import of this motion before the House. Sir, I find on reading the motion that it is intended to be a discussion on a specific matter of urgent public importance, *viz.*, the terrible and tragic bus accident that occurred near Kuzhithurai bridge very recently. I thought that some question of big policy turned on the accident and I was earnestly waiting to see from the mover and the subsequent speakers who followed him, to see what was that policy, that was responsible for this terrible and tragic bus accident that seems to have happened near Kuzhithurai bridge on the 7th Meenom 1111.

**MR. K. R. ELENKATH** (*Kalkulam I*): The President has allowed the motion and the observation of the speaker seems to be that it is not of sufficient public importance. May I know whether such an observation could be expressed by a member ?

**DEPUTY PRESIDENT**: I presume that Mr. Kunjukrishna Pillai knows the law and rules on the subject. I take it that Mr. Kunjukrishna Pillai will be the last man to question the ruling of the Chair. And he does not question the ruling of the Chair. But he has certain arguments to advance.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*) : Sir, I was at pains to understand what is the real relation between the administration of the Traffic Department and the accident. I could not get, I am sorry to say, a cogent correlation of fact which will convey to the House the idea that this accident is symptomatic of the lack of control of the Traffic Department or the lack of observance of rules or any other irregularity that might be made as a general charge against the Department. Independent of this, there might be a feeling or there might be a belief, with or without foundation, that there is something wrong with the Traffic Department or the Police Department. That is a different matter. How that general question can be raised on this incident is the point. If that question of policy has to be considered and if a discussion has to be raised on that and the House is to adjourn, the fact of the Kuzhithura accident must be traced to the lack of control by the Traffic Department. Unless that is done, I find it difficult to give my support to this motion, however much we sympathise with the loss of life or limbs or property that seems to have occurred.

LIBRARY ARCHIVES Kerala Legislative Assembly

**DEPUTY PRESIDENT:** So far as you are concerned, a case does not appear to have been made out. Is that so?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*): So far as I am concerned, a case has *not* been made out. That is my position; I find that certain allegations were made that the bus was running at top speed, that there was racing from behind, that there was overloading and things like that. Granting for argument's sake that these are facts, what does it come to? Does it mean that, where there is the most perfect control of the traffic, where there is the most ideal set of rules for the control of traffic, such things cannot happen? Or, is it seriously contended that if in a bus, which should carry 23 persons, there were 27 persons, that is the cause of the accident. If this is accepted, has it been shown beyond the shadow of doubt that these are the causes for the bus being overturned? Or, has it been said that over-speed was the cause of the overturning of the bus? Even if these are facts it cannot

**MR. M. SIVATANU PILLAI** (*Tovala*): May I ask Mr. Kunjukrishna Pillai—

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Let me clear the doubt which my friend has. What does the member say?

**DEPUTY PRESIDENT:** Order.

**MR. K KUNJUKRISHNA PILLAI** (*Quilon I*): Sir, I do not want to be interrupted like this. I have to finish my speech within the time-limit.

**MR. M. SIVATANU PILLAI** (*Tovala*): May I know whether the member is aware that the greater the loading the more difficult it is to control the brake?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*): That does not affect my argument and I am not an expert in motor driving. It has to be proved that this particular accident took place because of this over-loading, which must have taken place with the connivance of the police. Then only it can be connected with the Traffic Department's lack of control.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Is it the opinion of the member that overloading was not without the aid of the traffic police?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*): There can be hundreds of cases of overloading without the knowledge of the Traffic Department.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavancode*): What does the member say—

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): May I know from the member—

(Cries of *order, order*).

**DEPUTY PRESIDENT:** I shall have to assume an attitude different from what I should ordinarily do. When a member is in possession of the House, I expected a certain amount of decorous behaviour in keeping with parliamentary practice. Not that a question should not be put, but as far as possible the speaker need not be troubled with indiscriminate questions. I am making a general observation.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): So then, Sir, my point is this. In hundreds of cases over-loading and over-speeding can be effected without the knowledge and without the connivance of the Traffic Department. Any amount of rules cannot guarantee that there will not be over-loading or over-speeding of the buses even if there is sufficient control by the Traffic Department.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does the member admit that the more efficient the control the less the over-speeding and over-loading ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I shall readily grant it.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Does it not follow that whenever we find one case of over-loading there is defect in the control of traffic to that extent ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I cannot admit that. My friend Mr. Elenkath was saying that there is a prevalent custom by which, before the bus reaches the checking station, some passengers get down and walk ahead to avoid the checking officer and get into the bus afterwards. It is absolutely impossible for the Traffic Department to discharge their duties if persons have not got sufficient sense of civic responsibility and they collude with the bus drivers and conductors to avoid the checking of the police.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is it not the duty of the traffic controllers to find it out ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I ask the question how that is possible. I am pointing out the difficulty.

Unless it can be definitely known, this particular incident should not be taken up as a sufficient argument for the House to adjourn on a question of policy condemning the particular department.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the overloading itself is proved, what is the member's opinion ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It has not been done. The whole difficulty is that first of all the over-loading must be proved; it must be proved that it is with the connivance of the police and then it must be shown that the accident is the direct result of such over-loading. There have not been sufficient reasons given to us so that we may condemn the policy of the Traffic Department. If the House has to be adjourned on a matter of urgent public importance, it must be on a very serious and important matter. And, when the House adjourns on a particular issue it means that it has in its possession unchallengable facts showing that there is absolute lack of control, showing that a very serious state of affairs existed. I ask, can the arguments given on the floor of the House by the mover and other speakers warrant us to adjourn the House on a question of policy of the lack of control of the Traffic Department? I beg of the members, who know facts, to give us sufficient details to show that it is due to the general lack of efficiency of the Traffic Department, or to the general lack of discipline in the Traffic Department or to the existing defects of the system that this



LIBRARY ARCHIVES Kerala Legislative Assembly

accident took place or that there is corruption in the Police Department. Then I will be the first to support the motion. Otherwise, realising as I do the seriousness of the action, namely, an adjournment of the House, this House should think twice before they give their sanction for it on this motion.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): I want to ask a question. May I know whether the member himself has made any enquiry on this question ?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*): I have not for the reason that I thought members coming from those parts would have made adequate enquiry and would have presented a case in the manner in which it ought to be done (*Hear hear.*)

**MR. M. SIVATANU PILLAI** (*Tovala*): May I know whether the order that was referred to by me is not sufficient to show that the Traffic Department favours the Pioneer Company.

**DEPUTY PRESIDENT**: That question does not arise.

**MR. R. ACHUTAN PILLAI** (*Traffic Superintendent of Police*): Sir, T.V.R.No. 4757 met with an accident. That accident had occurred very near that bridge at Kuzhithurai on the 7th Meenom 1111. It is a fact and a case has been registered as Crime No. 47 in the Vilavankod Police Station. I do not know how Mr. S. J. Nair came to know about it. Investigation has been completed. The charge-sheet is being delayed only because Magistrates do not accept charge-sheets unless the same are accompanied by recognizance bonds of witnesses. The Police are only waiting to get the bond.

**MR. M. SIVATANU PILLAI** (*Tovala*): Is it because the Police are not able to get proper witnesses ?

**MR. R. ACHUTAN PILLAI** (*Traffic Superintendent of Police*): I do not understand that question. In a bus accident in which more than 20 people were involved, to say that the Police are not able to get witnesses of the accident is something beyond comprehension. There is no particular case for the prosecution except truth and nothing else. I believe truth will be spoken to by all the persons who were present in the bus. I expected from the mover some remedial measures. But I am sorry my expectations are not fulfilled. No remedial suggestions have been made. There were no structural or mechanical defects in the bus. The Chief Engineer was present and my own Traffic Inspector had gone to the place as early as possible after the occurrence. I was also present. We could all certify that it was one of the best buses that were plying in the State. But for the good condition of the bus, probably it would have gone to pieces by running into that deep precipice. There were only slight damages to the bus. The brakes were found to be in very good order.

As regards the examination of buses, rules were passed that vehicles running on roads should be examined at least once in three months. But the rule had to be altered. There was commotion of the people. This bus also was subjected to the usual examinations and found fit for service.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know whether the rule that the buses should be examined once in three months was ever in vogue ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) ; Yes, for a short time.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then who complained against that ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) ; Many people.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) Is it those who conduct the bus service or the general public ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) : It may be Union Managers and bus owners, Press and other organisations.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I wish to know whether it is the bus owners, or the general public that would be affected by running the buses, that made the complaint?

MR. R. ACHUTHN PILLAI (*Traffic Superintendent of Police*) : Neither the Traffic nor the Police Department was responsible for the alteration of the rules.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I want to know whether the change in the rules was due to the representation from the public or due to the representation from interested parties ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) ; It may be from interested parties, the public and the press.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Is not the member in a position to say whether it was due to the representation from the public or from interested parties ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) : I am not in possession of facts and figures.

DEPUTY PRESIDENT ; The member has stated that there was commotion in the land.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I wanted to know from what quarter the commotion came.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether it could not be due to the fact that the authorities yielded to the clamour of interested bus owners and changed the wholesome rule which they wanted to adhere to ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) : I do not know the facts. This six months' system was prevailing for several years.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : What I wish to know is whether the going back to the six months' rule could not have been due to the fact that the Police authorities yielded to the clamour of avaricious bus owners ?

MR. R. ATCHUTHAN PILLAI (*Traffic Superintendent of Police*) : The Police authorities yielded to the order of Government and to nothing else.

MR. A. THANU PILLAI (*Trivandrum—Rural*) Then, may I take it that Government yielded to the clamour of influential bus owners?

LIBRARY ARCHIVES Kerala Legislative Assembly

**DEPUTY PRESIDENT**: That is a matter of opinion That is a question to which you cannot expect to get an answer from the Government.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Is it a fact that certain old model buses which were condemned in British India are allowed to run in Travancore?

**MR. R. ACHUTAN PILLAI** (*Traffic Superintendent of Police*): There are old model buses here which are being passed as fit for service after examination by the Traffic Inspector. But we have no information that whether they have been condemned or not in British India.

**MR. M. SIVATANU PILLAI** (*Tovala*): What are the qualifications of the Traffic Inspectors who check these buses and pass orders? Are they in any way technically qualified?

**MR. R. ACHUTAN PILLAI** (*Traffic Superintendent of Police*): They were appointed some years ago in consideration of their special technical qualifications.

**MR. M. SIVATANU PILLAI** (*Tovala*): What are the special qualifications?

**DEPUTY PRESIDENT**: You cannot ask too many questions like that.

**MR. R. ACHUTAN PILLAI** (*Traffic Superintendent of Police*): So much about the mechanical fitness of that particular bus.

**MR. M. SIVATANU PILLAI** (*Tovala*) May I know whether some six or seven months back the Traffic Superintendent was directly responsible for the control of traffic and not the Police Commissioner?

**MR. R. ACHUTAN PILLAI** (*Traffic Superintendent of Police*): The Police Commissioner continues to be as responsible as he was before.

**MR. M. SIVATANU PILLAI** (*Tovala*): Am I to understand that there was no change in the system of issuing G permits and timings from what it was five or six months back?

**DEPUTY PRESIDENT**: I have to rule out these questions unless the member's suggestion is that it is because of the change of responsibilities that the accident has occured. The member did not say that in his speech.

**MR. M. SIVATANU PILLAI** (*Tovala*): It was because I was not permitted.

**DEPUTY PRESIDENT**: The member spoke to the extent which is allowable.

In the circumstances, I do not insist the official member giving an answer.

**MR. R. ACHUTAN PILLAI** (*Traffic Superintendent of Police*): Regarding the issue of C. C. to drive buses, the rule is that those who have 3 years experience as a driver can apply for a competency certificate and a badge. The applicants are examined by the Traffic Inspectors and they have to furnish certificates of character. It is only on the strength of competency certificates issued by the Traffic Inspectors and a certificate of character given by a responsible officer that competency certificates and badges are issued to them. The department has control over them.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum-Rural*) : What is the last grade of police officers who have got the power to issue such certificates ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) : The Station House Officer is expected to issue them. By Station House Officer I mean ordinarily an Inspector and in the absence of an Inspector, a Headconstable who happens to be in charge of the station. If anybody says that this system is faulty such criticism is welcomed by the department and they will be quite willing to change this system.

As regards the driver concerned in this case, he is one who has been holding a license since 1105. I admit that he is not one of the best drivers of the State. As the index card in my hands would indicate, he had several departmental punishments.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : Are not all these matters for the court to look into?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*): I am not very particular to inflict on the House any particulars about the driver.

MR. M. SIVATANU PILLAI (*Tovala*) : I want to know why, in spite of previous punishments by the department, his license was not cancelled ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) : It is under suspension. It is only on the final disposal of the case that the question of cancelling the license could be considered.

MR. M. SIVATANU PILLAI (*Tovala*): May I know, why in spite of the previous punishments, his license was not cancelled ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) : If we are to cancel the license of a driver on receipt of every report, then I think there will be no more drivers to drive buses. Only when a man is found incorrgible will his license be cancelled.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Does that card show that he was a rash driver ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) : I cannot say that.

Another criticism was about racing. This bus started at 8-15 A. M. from Trivandrum and proceeded to Nagercoil. It is a Mail Support Bus. It was expected to proceed next in order after the Mail Bus.

MR. K. R. ELENKATH (*Kalkulam I*) : Is there not a rule that a bus should not overtake another bus unless it is stopped by disorder or other reasons ?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*) : The same speed is prescribed for all buses. That naturally implies that no bus should overtake another.

MR. K. R. ELENKATH (*Kalkulam I*) : Has any driver been pshed for overtaking another bus ?

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MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*): That depends upon the question whether the overtaking bus did so by overspeeding or not.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether enforcement of a rule that one bus should not overtake another would minimise accidents owing to racing?

MR. R. ACHUTAN PILLAI (*Traffic Superintendent of Police*): If such instances of racing are brought to the notice of the department, the drivers concerned are severely punished.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Was there racing in this particular case?

DEPUTY PRESIDENT: The official member has exceeded his time.

RAO SAHIB S. PARAMESWARA AIYAR (*Nominated*): Sir, I rise to bring to the pointed notice of this House one serious danger attendant on motor traffic in this country and that is the reckless and irresponsible way in which metal is stacked in public roads. I went to the particular part of the road where this accident took place, and examined it very carefully myself just two weeks ago.

Mr. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Did the member go and see the place after the report of the accident?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Yes.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I examined the spot myself immediately after the accident and saw that the metal was————

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): I have not finished my sentence.

DEPUTY PRESIDENT: Please go on with your speech. His opportunity to ask questions has not arisen.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know from the member whether————

DEPUTY PRESIDENT: He has only just begun. Is any purpose served by asking questions before he finishes his sentence?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): And I found that the particular spot where the accident took place is one of the narrowest portions of the M. S. Road and that the road could not be widened there on account of precipices on either side.

MR. A. THANU PILLAI (*Trivandrum-Rural*): If sufficient money is spent, is it not possible to widen the road there?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): No.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether, without spending much money, metal already collected could not have been removed long long ago?

DEPUTY PRESIDENT: That is a matter of opinion. Please do not answer that question.

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**RAO SAHIB S. PARAMESVARA AIYAR** (*Nominated*) : Sir, just as the P. W. D. Officers have a preferential claim in the matter of occupation of Travellers' Bungalows and camp-sheds————

**MR. N. E. VARUGHESE** (*Tiruvalla I*) : May I know from the member————

**DEPUTY PRESIDENT** : Order, order. Questions may have to be put to elicit material points when an honourable member is speaking. But questions repeated three times every minute will spoil discussion ; and I have to discourage such indiscriminate questions. The questions may sometimes be relevant ; but too many questions addressed to the speaker with regard to any consequential matters must be discouraged. (*Hear, hear.*)

**MR. N. E. VARUGHESE** (*Tiruvalla I*) : My question is very relevant and I have a right to put it.

**DEPUTY PRESIDENT** : The member must realise that he has got a right to put a question only when the Chair permits. I would ask Mr. Parameswara Aiyar to proceed.

**RAO SAHIB S. PARAMESVARA AIYAR** (*Nominated*) : Just as the P. W. D. Officers claim a preferential right to the Travellers' Bungalows and Camp-sheds, the P. W. D. contractors appear to have a preferential claim in the matter of the occupation of public roads to the detriment of wheeled traffic. That is an aspect which this House has to take into very serious consideration. And what I would suggest to the Chief Engineer is————

**MR. N. E. VARUGHESE** (*Tiruvella I*) : One question.

**DEPUTY PRESIDENT** : No questions.

**MR. N. E. VARUGHESE** (*Tiruvella I*) : I have got a right to ask a question. (Cries of *order, order*).

**DEPUTY PRESIDENT** : If Mr. Varughese persists in this course, I shall have to deprive him of the privileges of the House. Mr. Varughese will have a right to put questions, but I have said he would have to wait till Mr. Parameswara Aiyar has said what he has to say.

**RAO SAHIB S. PARAMESVARA AIYAR** (*Nominated*) : What I would suggest to the Chief Engineer is that he should not allow metal to be stacked on road sides. They may be stacked on *poramboke* lands near by. If *poramboke* lands are not available, the necessary lands may be acquired by Government and handed over to the Department. Anyway the width of the road should not be narrowed at the pleasure of the P. W. D. contractors by stacking metal. That is the only point which I have to emphasise.

**DEPUTY PRESIDENT** : Mr. Varughese may put his question, if he wants.

**MR. N. E. VARUGHESE** (*Tiruvalla I*) : I do not want to put any question.

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MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : Sir, several members spoke about metal being stacked along the roadside. We have got to stack metal for the repairs of road. This portion of the road I saw a fortnight ago and I was at the spot in a few hours after the accident happened. When I passed in car my another motor vehicle was passing and there was room for the two cars on that part of the road which is straight.

MR. P. C. KURIYAN (*Kottayam I*) : Is the member speaking for the motion or against the motion ?

DEPUTY PRESIDENT Order, order. You cannot put the question. He has spoken only two or three sentences and before you know what he is going to speak, what is the meaning of putting questions like that?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : I was saying that the road in question is a straight road and any driver driving with care can pass another vehicle safely.

We have to stack metal at some places. I have issued orders that metal shall not be stacked ordinarily on the sides of narrow roads so as to obstruct wheeled traffic.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : May I know from the member whether, in his opinion, this is a narrow portion of the road or not ?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : May I know from the honourable member what he means by a narrow road or a wide road ?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) ; When I have put a question, Sir, he cannot answer it by asking me a question.

DEPUTY PRESIDENT : When I said that too many questions shall not be asked, that direction binds all and I do not make any invidious distinction between one member and another. Mr. Truscott may proceed.

MR. P. C. KURIYAN (*Kottayam I*): Sir, a point of order. Is it up to a member, when a question is put, to ask another question by way of reply ?

DEPUTY PRESIDENT : That point does not arise now

MR P. C. KURIYAN (*Kottayam I*) : It arises.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know from the Chief Engineer how long the metal was allowed to remain there ?

DEPUTY PRESIDENT : I have said that questions will not be entertained for some time.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*) : The metal has been stacked along that road for some months. But as a car-driver of many years' standing——

MR. K. R. ELENKATH (*Kalkulam I*) : I want to know from the Chief Engineer——

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**DEPUTY PRESIDENT**: It is rather unfortunate that, after three years of experience in this House and in spite of the fact that the rulings from the Chair and the directions issued by the Chair have been submitted to in a most honourable manner, this adjournment motion has made an unnecessary stir among the members that they forget in their enthusiasm even the directions from the Chair. The right of questioning is available to every member; but the Chair has also got the right to regulate questions, to prohibit questions, and to give a general friendly direction. When the interests of discussion require, I have to protect speakers who are in possession of the House; and if any member contravenes this direction, I shall be exceedingly sorry to adopt other measures. Please proceed, Mr. Truscott.

**MR. G B. E. TRUSCOTT** (*Chief Engineer, Roads, Buildings and Irrigation*): Any driver of a car will tell you that, even if a luggage carrier is well loaded. it will affect the driving. There is no doubt, it will all the more be difficult if one or two people be hanging on the sides of the car as it will considerably disturb the steering of that car. And added to that in a car, going fast, if the driver turns slightly his head to this side or that side, which invariably occurs, it is all the more dangerous.

**MR. S. J. NAIR** (*Nedumangad*): May I know for what purpose a driver driving the bus turns his head?

**DEPUTY PRESIDENT**: I do not allow that question.

**MR. G. B. E. TRUSCOTT** (*Chief Engineer, Roads, Buildings and Irrigation*): I don't know why it is generally done.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): May I know why metal is allowed to be stacked on these roads for months together?

**MR. G. B. E. TRUSCOTT** (*Chief Engineer, Roads, Buildings and Irrigation*): We have not a quarry at every mile. We have to carry out maintenance as and when needed.

**MR. K. R. ELENKATH** (*Kalkulam I*) May I know whether two buses can pass simultaneously through that part of the road?

**MR. G B. E. TRUSCOTT** (*Chief Engineer, Roads, Buildings and Irrigation*): They can.

**MR. K. R. ELENKATH** (*Kalkulam I*): May I know what the width of the road there is?

**MR. G. B. E. TRUSCOTT** (*Chief Engineer, Roads, Buildings and Irrigation*): I think 20 feet.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): Out of this 20 feet how much is taken by the metal stack?

**MR. G. B. E. TRUSCOTT** (*Chief Engineer, Roads, Buildings and Irrigation*) 5 feet.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): Out of 20 feet a distance of 5 feet was taken leaving 15 feet for traffic in a portion where the sides of the road are steep. I wish to know whether it is not possible especially where the road is so narrow, to give a general direction that metal should not be stacked on the road but removed from there?



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MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): That order was issued some time ago.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Chief Engineer is aware that bus accidents have happened on account of lamp posts on the centre of the roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I do not know. The lamp posts usually help to control traffic.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether it was a fact that one man lost his life while the bus was being lifted up?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): No.

MR. A THANU PILLAI (*Trivandrum-Rural*): May I know whether any accident happened then?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): There was an accident.

MR. A. THANU PILLAI (*Trivandrum Rural*): May I know what that was due to?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Owing to the fall of the pulley.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know who was responsible for that?

MR G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): There were many people there.

MR. K. R. ELENKATH (*Kalkulam I*): When the pulley was fixed, may I know whether it was examined by the authorities concerned?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): It was.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the Chief Engineer had anything to do with the falling of the pulley?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): I had not, except that I was responsible for the erection of the pulley.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know what must be the minimum width of the road for safe bus traffic?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): 15 feet is good enough for bus traffic it all depends on the speed of the buses.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Chief Engineer assure us that at least that minimum of 15 feet is always maintained in spite of the collection of road metal on the side of the road?

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Buses are able to pass; and, as I said, when I went to the scene of the accident, my car was able to cross a motor vehicle in spite of the road metal on the side of the road.

MR. A. THANU PILLAI (*Trivandrum-Rural*): The Chief Engineer went in his car and not in a bus.

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**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*): I oppose the motion. No case has been made out for the adjournment of the House on this topic. On the other hand, many matters not directly connected with the accident in question have been brought in. I cannot see any relevancy of any reference to the defects in the working of the Traffic Department, since the accident has not been traced to any of the functions of that Department. It was stated, Sir, that the Ag. Police Commissioner was doing a lot of mischief, that the present Ag. Commissioner of Police has appropriated for himself all the powers of the Traffic Superintendent of Police and is not now allowing the present Traffic Superintendent a free hand in matters connected with the Traffic Department, and that there is corruption in the Department. Sir, all these, I submit, are absolutely irrelevant to the subject now under discussion. (*Laughter.*)

**DEPUTY PRESIDENT**: I must ask Mr. E. V. Krishna Pillai not to persist in that strain, because, if those matters had no kind of relevancy, the Chair would certainly not have allowed them to be referred to, and the House would not have countenanced them. All that I am now prepared to gather from Mr. E. V. Krishna Pillai's speech is that he does not consider these points to be particularly relevant.

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*): In the light of the ruling from the Chair, I shall revise my opinion, Sir. These statements made in condemnation of the Ag. Commissioner of Police, though true and very serious, there is only one point which appears to be more directly connected with the accident. It will be remembered that I put a question to the Government member in charge of the Police Department whether there was racing on the part of the drivers concerned. As Mr. Kunjukrishna Pillai observed, we all hoped that the mover of the motion as well as those who followed him, gentlemen who are expected to be in possession of all facts about the accident, would enlighten us on the various points we want to get information about. For instance, they were not able to say whether there was racing. Mr. Elenkath stated that there *was* racing. Sir, I know something about motor traffic in the State: and so, I claim I will be able to give some useful information in this matter. This racing on the part of bus-drivers is inevitable in the present circumstances. In the Police Department, particularly since Mr. Pitchu Aiyangar became Traffic Superintendent, a very curious practice is observed. An order is issued at 5·10. Immediately that order is cancelled and another is given at 5·11. Again, at 5·12 (*Laughter.*) that revised order is cancelled. At 5·13 an entirely fresh order is issued. (Mr. M. Sivatanu Pillai: *Shame, shame.*)

**DEPUTY PRESIDENT**: Mr. Sivatanu Pillai——

**MR. M. SIVATANU PILLAI** (*Tovala*): I withdraw, Sir, (*Laughter*).

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*): Racing is very natural in these circumstances. The man with the 5·10 order runs fast in order to get the benefit of the order. His rival pursues him with the 5·11 order; and he is, in turn, followed by the 5·12 man.



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MR. A. THANU PILLAI (*Trivandrum-Rural*): What is the reason for so much activity?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I do not know; that is the difficulty. But these are facts. Racing is therefore sure to occur in the present circumstances, because racing is resorted to because of these successive orders and not by drivers.

With these words, I oppose the motion.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, Mr. R. Achutan Pillai, on behalf of the Government, made a statement in the House, that wheresoever misbehaviour on the part of a motor driver is brought to the notice of the Police Department, the matter would promptly be investigated.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I request the honourable member to try to speak a little louder.

MR. P K. NARAYANA PILLAI (*Ambalapuzha I*): I shall make an attempt. (*Laughter.*)

I can give at least one instance to show that, that statement of Mr. Achutan Pillai is somewhat incorrect. Therefore, Mr. Achutan Pillai was not correct in making that sweeping statement. I may satisfy the curiosity of my friends. My own car collided with another car in this town itself. I gave prompt information to a Police Inspector, and he promised immediate investigation. But, to this day, although it is a month, nothing has been heard about it.

MR. M. SIVATANU PILLAI (*Tovala*): Is the member aware that officers who are ready to make prompt investigations are immediately transferred? (*Laughter*).

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Not impossible. Probably, Sir, there are other forces operating from behind upon the Police.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Has the member any idea of the nature of such forces?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I can only make a guess, Sir. I imagine that some of these drivers are the pets of the policemen. That is my suspicion.

MR. S. J. NAIR (*Nedumangad*): I oppose the motion. Neither the mover nor any of the supporters has made out a case. Hence, I oppose the motion But, I was very glad when the Traffic Superintendent, on behalf of the Government, made the statement that, if we suggest remedial measures for preventing future bus accidents, they would be attended to and given effect to. I therefore propose to make a few suggestions.

First of all, no bus-owner must be given the monopoly over a line, as has been done in the Trivandrum-Nagercoil line and in the Trivandrum-Quilon line.

DEPUTY PRESIDENT: This is not the occasion for suggesting a constructive scheme like that.

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**MR. S. J. NAIR** (*Nedumangad*) : Another suggestion is that traffic on the roads should not be obstructed by heaping up metal on the road. Also, roads must be widened and curves straightened. (Mr. G. B. E. Truscott : *Hear, hear.*)

With these words, I oppose the motion.

**MR. A. THANU PILLAI** (*Trivandrum-Rural*) : Sir, the accident has occurred ; and in the debate here, two different views have been taken. One is that the control of traffic is not efficient, and that the Department also in a way contributes to such accidents. The other view is that this accident has not been traced to the inefficiency of the Traffic Department sufficiently clearly. In regard to the second view, Sir, I may say that, in a debate like this, it is not to be expected that the kind of evidence which Courts would require for convicting an offender, would be let in. We all see that traffic control is not what it ought to be. Even from the statement of the Government member, we find that the driver who was responsible for this accident, had a bad record. There is that admission on the part of the Government itself. There is also the fact that there was overloading. Some members have spoken to that as though from personal knowledge. They have stated that they were at the spot soon after the occurrence. These facts, namely the driver's past record and the over-loading of the bus, we may take it, have been proved, for our purposes at any rate.

Now, broadly speaking, my impression, as well as the impression of the general public, is that traffic control is not satisfactory. There is a lot of complaint.

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*) : For how long has it been like that ?

**MR. A. THANU PILLAI** (*Trivandrum-Rural*) : For some time past. Even in the town of Trivandrum, Sir, there is terrible over-speeding. The Police Department is doing nothing to prevent that. The Police seems to be of absolutely no use in regard to that matter.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : Sir, the honourable member for Nedumangad had made some suggestions for better traffic control. I too would like to suggest the introduction of a kind of compulsory third-party insurance.

**DEPUTY PRESIDENT** : That, certainly, is not a matter of urgent public importance. (*Laughter.*)

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*) : By itself, it is not.

**DEPUTY PRESIDENT** : The discussion automatically terminates now, since it is 5·30.

The House will now adjourn and meet again at 11 A. M. on Monday next.

The House adjourned at 5·30 P. M.

K. MADHAVA KURUP,
*Secretary to the Sri Mulam Assembly.*

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